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EXAMINER

STERRETT, JONATHAN G

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|--|--|
| Office Action Summary | Application No. 10/070,731 | Applicant(s) NAKAGAWA ET AL. | |
| | Examiner JONATHAN G. STERRETT | Art Unit 3623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-13,16,17,19-27,29-34 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7-13, 16, 17, 19-27, 29-34 and 44-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Summary

1. This **Final Office Action** is response to the amendment of April 28, 2008. The amendment of April 28, 2008 amended **Claims 1, 4, 5, 7-9, 13, 16, 19-21, 25, 29-31 and 44-46**. **Claims 2, 3, 6, 14, 15, 18, 28 and 35-43** were cancelled. **Claims 1, 4, 5, 7-13, 16, 17, 19-27, 29-34 and 44-46** are pending in the application.

Response to Arguments

2. The applicants' arguments have been fully considered but are not persuasive.

The applicant argues on page 12 with respect to Claim 1 that Brown teaches away from "a work control site for compulsorily and continuously controlling, instructing and monitoring the progress of work at the plurality of work executing sites".

The examiner respectfully disagrees.

Brown teaches the need to connect suppliers that are working on a project where those suppliers are geographically diverse. Brown's project management system is designed to manage projects (i.e. including instructing and monitoring progress – column 10 line 1-10; column 10 line 30-40) where the tasks being worked on are time critical. Suppliers contributing to the projects in Brown have certain timelines that they must meet (e.g. material delivery) so that a delay on the part of one supplier's task does not affect others completing work. This is part of the critical path method teachings in column 9 line 5-10. Critical path means that a supplier or contractor has to complete certain tasks on time in order not to affect others. A critical path approach to project

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management means that the system must compulsorily monitor those schedules of the member parties, in order to ensure that project tasks are being timely completed, and if not, to regenerate the schedule to reflect the delays. A critical path approach at least teaches that communication and monitoring is compulsory, otherwise the idea of managing to a critical path would break down, since the members would not be monitored according to an approach that requires them being monitored (i.e. compulsorily).

As to the limitation of “continuously”, the examiner notes that this does not necessarily mean “all the time” or “24 hours a day / 7 days a week”. Insofar as the contractors and suppliers must be in contact with the system to ensure that changes to their schedule is reflected in the master schedule, then they are in “continuous” contact with the system to monitor and instruct their progress (see column 12 line 45-48 - members schedules are "constantly updated" i.e. continuously).

The applicant argues on page 13 with respect to Claim 1 that Brown's system should not exist on the internet.

The examiner respectfully disagrees.

The examiner notes that the limitation of the system of Brown operating on the internet was the subject of Official Notice. Brown teaches a network for members to be in constant contact with each other. Brown does not teach the internet per se. However, using the internet as a network to operate the system of Brown would provide a predictable result. The examiner notes that Brown teaches in column 17 line 45-52

that Brown's system can run using Microsoft Windows, which is known in the art to be able to run on the internet. Additionally here it teaches that Brown's system can connect to the Internet. Thus, the application and execution of Brown's network system for running on the internet, is compatible with the teachings of Brown and would produce a predictable result, since Brown teaches using a network to operate his system.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 4, 5, 7-13, 16, 17, 19-27, 29-34 and 44-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Brown US 5,923,552** (hereinafter **Brown**).

Regarding **Claim 1**, Brown teaches:

a work control location for compulsory and continuously instructing the progress of work and monitoring its progress to the plurality of work executing sites while linking them with each other,

column 4 line 3-7, the home builder (i.e the work control site) instructs the progress of work and monitors progress of the suppliers (see also column 4 line 60-64, supplier schedules who are providing components to a product fabricator).

column 9 line 32-35, the distributed scheduling subsystem links the members together through the interrelated product schedules.

A communications network exchanging managing information relating to the instructions and to the monitoring between the work control location and the plurality of different work executing locations.

column 9 line 32-35, the distributed scheduling subsystem uses Critical Path Management (CPM) to direct exchange of information and monitoring between collaborative parties (i.e. members who are working together to support an overall project plan). – see column 10 line 18, the other parties who are working collaboratively at their location to support the schedule are network members, i.e. they communicate over a network – see also column 5 line 48-52, the system provides a network service distribution system for coordinating schedules among suppliers – this system is a communications network – see also column 6 line 55-58, the calendar system (that the separated parties use at their worksites for communicating progress and schedule updates with each other, is a network interface – thus there is a communications network).

wherein the work control site systematically plans and sets flows of execution of work to be assigned to the plurality of working executing sites for a work process

column 7 line 58-63, the fabrication schedule is communicated to the suppliers (i.e. the working executing sites) who are responsible for their part of the schedule (i.e. the flow of execution that is their work process).

and instructs the progress of the set flows of execution and monitors the progress of the flows of execution.

column 8 line 7-12, the establishment of restrictive links and the monitoring of these links between members monitors the progress of the flows of execution as each member contributes to the progress of the project they are supporting

wherein the work control site includes a work information displaying means for providing work information set for said work executing sites to the work executing sites,

column 6 line 58-60, a calendar of tasks is provided to display to the various collaborating parties tasks and work stages necessary for carrying out their tasks in support of the project.

a notification displaying means for notifying the work executing sites of the work information,

column 7 line 30-35, the messages regarding work tasks are received and appear (i.e. are displayed as notification) as requiring attention. See column 7 line 10-13 – suppliers confirm delivery dates after receiving notification.

and a confirmation displaying means for confirming responses from work executing sites regarding notifications by said notification displaying means.

column 7 line 10-13, confirmations are sent from the other suppliers (e.g. a confirmation regarding material delivery).

wherein the provision of the work information by the work information displaying means is performed on web pages in synchronization with the work information notified by the notification displaying means.

see column 4 line 60-65; column 7 line 30-35, notification is synchronized by messages appearing as calendar entries that notify members that an action is required. The calendar entries providing work information as to what the tasks are.

Brown teaches communicating work information to various sites so that different suppliers can integrate their schedules with a master schedule (e.g. for a home building or a product fabricator).

Brown teaches using a communications network to connect the work locations and the work control location (column 5 line 30-34).

Brown does not teach where the locations are websites and where the notification and confirmation are performed on the internet, however it is old and well known in the art to exchange work information between websites on the internet (i.e. a communications network) to connect locations together. The internet provides the capability to efficiently connect different locations together using websites and to communicate information between those locations because it provides coverage that is worldwide.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Brown, regarding providing for geographically dispersed work locations to be connected together using a network, to connect those locations together using websites and providing the notification and confirmation using the internet, because it would provide the world wide coverage of the internet to connect the worksites together.

Regarding **Claim 4**, Brown teaches:

wherein the work information is one or both of the content of the work and a work schedule relating to the progress of the work.

column 7 line 5-10, the work information communicated to and from the suppliers includes schedules (i.e. tasks that represent the content of the work) so that coordination can be achieving between the main site and the supplier.

Regarding **Claim 5**, Brown teaches a desktop calendar system and a network service distribution system for coordinating geographically dispersed activities. Brown teaches that his invention operates over a computer network.

While Brown teaches the notification and confirming displaying means as discussed in Claim 4 above, Brown does not teach using the internet or web pages for displaying confirmation or notification.

However, it is old and well known in the art for web pages (i.e. browsers) to be used to display notification and confirmation. The internet provides the benefit of widespread availability since it is available around the world.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Brown, regarding providing for geographically dispersed project collaboration and communication, including confirmation and notification, to include the step of displaying the notification and confirmation displays using web pages accessed over the internet, because it would provide widespread, around-the-world availability to Brown's project collaboration invention.

Regarding **Claim 7**, Brown teaches:

wherein when there is a notification, this notification is informed by a signal of a mode of expression different from normal.

column 7 line 30-32, the appearance of calendar entries requiring attention are different than normal since they require attention.

Regarding **Claim 8**, Brown teaches:

wherein when there is provision of information; this provision of information is informed by a signal of a mode of expression, different from normal.

column 7 line 30-32, the appearance of calendar entries identifying tasks to be done (i.e. work information) requiring attention are different than normal since they indicate that something new is required.

Regarding **Claim 9**, Brown teaches displaying in parallel the work tasks (i.e. flows of execution) assigned to all the members (i.e. work executing sites) and provides this in common to all the work executing sites (see column 9 line 32-37). See Figure 2B where interdependencies between the schedules of individual project members are displayed. While Brown teaches the need to communicate between network members supporting a project, and displaying in parallel the flows of execution so that interrelated schedules can be communicated (see column 9 line 38-40). Brown does not teach displaying the schedules on web pages to the work executing sites.

However, it is old and well known in the art to display information on webpages. The internet provides for the ability to receive and display information using a browser (i.e. a web page) on a worldwide basis (i.e. world wide web).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Brown, regarding providing for geographically dispersed project collaboration and communication, including displaying the project execution flows in parallel, to include the step of using web pages accessed over the

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internet, because it would provide widespread, around-the-world availability to Brown's project collaboration invention.

Regarding **Claim 10**, Brown teaches:

**wherein, when there is a change in the work information,
the work control site reports this change all at once to the work executing sites**

column 9 line 32-36, changes in schedule (i.e. tasks that have to be completed according to timing, i.e. the tasks are work information) are automatically communicated to other work sites, i.e. this information is reported so as to maintain an integrated schedule and ensure updates do not result in unresolvable scheduling conflicts (see column 11 line 45-50).

Column 12 line 64-66, unresolved conflicts may result in new suppliers being RFQ'ed.-see also column 8 line 50-55.

**and simultaneously receives a plurality of responses when requesting
responses from the work executing sites about the report.**

column 8 line 60-63, changes in schedule involving a bid request (i.e. a request for quotation), receive a plurality of responses from those network members receiving the bid requests (i.e. a request to respond).

Regarding **Claim 11**, Brown teaches providing a communications network that provides notification about scheduling to network members and information regarding

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work information for network members to maintain their compliance with a schedule. As discussed above, Brown teaches providing notification that is different from normal (see column 7 line 29-33) and in providing work information to network members related to the notification. Brown does not teach using a web page containing a clickable link to display notification information and a clickable link to provide work information.

However, using clickable links in a web browser to display information in separate browser windows when a user is using the internet is old and well known in the art. This method of communication using the internet provides an easy to use interface to communicate information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Brown, regarding providing notification that is different from normal (see column 7 line 29-33) and in providing work information to network members related to the notification, to include the step of using clickable links to provide the notification and work information related to the notification, because it would provide an easy to use interface to communicate information.

Regarding **Claim 12**, Brown teaches providing a communications network that provides information regarding work information for network members to maintain their compliance with a schedule. As discussed above, Brown teaches providing notification that is different from normal (see column 7 line 29-33) and in providing work information

to network members related to the notification. Brown teaches that the notification of work information may include launching additional applications that provide the work information (i.e. in resolving the notification message). Brown does not teach using a web page containing a clickable link to provide work information.

However, using clickable links in a web browser to display information in separate browser windows when a user is using the internet is old and well known in the art. This method of communication using the internet provides an easy to use interface to communicate information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Brown, regarding providing notification that is different from normal (see column 7 line 29-33) and in providing work information to network members related to the notification, to include the step of using clickable links to provide the additional work information related to the notification, because it would provide an easy to use interface to communicate information.

Claims 13, 16, 17, 19-27, 29- 34 and 44-46 recite similar limitations as those recited in **Claims 1, 4, 5, 7-12** above, and are therefore rejected under the same rationale.

Conclusion

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 7-22-2008 /JGS/

/Andre Boyce/

Primary Examiner, Art Unit 3623